

## **REMARKS**

Claims 7-14 and 23-26 were rejected under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. Also, claims 27-30 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. However, Applicant notes that claims 7-14 and 23-26 do not depend from multiple dependent claims, and that claims 27-30 are not present in the original application. Applicant believes that perhaps the Examiner is basing these comments on the specification of a corresponding UK application (from which this US application claims priority), which was attached to an assignment document submitted with the new application papers.

Claims 1-30 have been canceled and claims 31-56 have been added in the attempt to avoid confusion. Accordingly, claims 31-56 are now pending in the application.

The Examiner also objected to the title of the invention as being non-descriptive. Therefore, the title of the invention has been amended to be clearly indicative of the claimed invention.

### **35 U.S.C. § 102 Rejection**

Claims 1-4 and 15-20 were rejected under 35 U.S.C. 102(e) as being anticipated by Experton (U.S. Patent No. 5,995,965). As described above, original claims 1-30 have been cancelled. However, Applicant notes that some of the features recited in the original claims 1, 15, and 17 are now recited in new claims 31, 45, and 50, respectively, in addition to other features.

Applicant respectfully requests the examination of claims 31-56.

Experton teaches, in Column 8, Lines 22-51,

“The user first takes the portable access device 100 of the patient (loan applicant, building, etc.) and couples it with the reader 600 as appropriate, for example, by inserting it into a slot so that the contacts 107, 607 are electrically connected. The reader then generates a signal to the processor 202 that a portable access device has been activated. The processor then executes an appropriate, conventional interrupt routine to read the inserted device, which, for the sake of this example, is assumed to be a smart card. The smart card then inputs activating data to the processor 202. Unless the processor is already completely dedicated to the smart card of a single user, this activating data will include user identification data, which the processing unit verifies, for example, using a standard decryption routine.

Activating data will also include remote network address data which identifies the network addressees) of each remote processing facility 300, . . . , 300m where the activating user's records and provider-requested records are stored. The network address data for user-requested records is preferably stored in the memory 104 of the smart card, so that it will be available to any processing units that the card is used to activate. The network address data will include the address to the remote processing unit where each record is stored, as well as the sub-addresses for the various requested records within the respective remote processing unit. If the portable access device is always to be used with a single local processing unit, with a known, dedicated group of them, then the network address data may instead (or in addition) be stored in the address memory portion 210 of the processing unit 200.” (Emphasis added)

Experton teaches that remote network address data may be stored in the memory 104 of the smart card and/or in the memory portion of the processing unit 200 and that the remote network address data consists of the address to access a remote processing unit.

Applicant respectfully reminds the Examiner that the standard for “anticipation” is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed.Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed.Cir. 1985). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir.1989)

Applicant respectfully submits that Experton fails to teach or suggest “a memory unit operable to store a first network address for use in communicating via said network; and a data carrier reader operable to read a second network address from a hand insertable data carrier...wherein said processing unit is also operable to use said second network address from said data carrier if the data carrier is present in said reader and otherwise to use said first network address” as recited in claim 31.

In accordance, independent claim 31 is believed to patentably distinguish over Experton. Claims 32-42 depend on claim 31 and are therefore believed to patentably distinguish over Experton for the same reasons.

Likewise, independent claims 43, 45, and 50 recite features similar to those highlighted above with regard to independent claim 31 and are therefore believed to patentably distinguish over Experton for at least the reasons given above. Claim 44 depends on claim 43, claims 46-49 depend on claim 45, and claims 51-56 depend on claim 50 and are therefore believed to patentably distinguish over Experton for the same reasons.

### **35 U.S.C. § 103 Rejection**

Claims 5-6 and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Experton. As described above, original claims 1-30 have been cancelled. However, Applicant notes that some of the features recited in the original claims 5, 6, 21, and 22 are now recited in new claims 34, 35, 53, and 54, respectively, in addition to other features. As described above, claims 34-35 and claims 53-54 depend on claim 31 and claim 50, respectively, and are believed to patentably distinguish over Experton for at least the reasons given in the above paragraphs discussing claims 31 and 50.

Also, Applicant respectfully submits that Experton fails to teach or suggest “a register flag operatively associated with said read/writeable register, wherein said processing unit is

operable to set said flag once said second network address has been read from said data carrier, and wherein said processing unit is operable to interrogate said flag and to use said second network address for communicating via said network if said flag is set” as recited in claim 34. Likewise, claim 53 recites features similar to those highlighted above with regard to claim 34 and is therefore believed to patentably distinguish over Experton for at least the reasons given above.

Furthermore, Applicant respectfully submits that Experton fails to teach or suggest “if said flag is not set said processing unit is operable to determine whether said data carrier is present in the reader, if said data carrier is present in the reader said second network address is read from said data carrier and said flag is set, and if said data carrier is not present in the reader said processing unit is operable to read said first network address from said memory unit for use in communicating via said network” as recited in claim 35. Likewise, claim 54 recites features similar to those highlighted above with regard to claim 35 and is therefore believed to patentably distinguish over Experton for at least the reasons given above.

### CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-80000/BNK.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Noël Kivlin", with a long horizontal flourish extending to the right.

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